

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

V.

MBD No. 24-mc-91637

MARLON TEIXEIRA, and
JAMES GARNER,

Defendants.

**ASSENTED-TO MOTION FOR ENDS-OF-JUSTICE CONTINUANCE OF TIME FOR
FILING AN INDICTMENT AND EXCLUSION OF TIME,
UNDER THE SPEEDY TRIAL ACT**

The United States, by and through undersigned counsel, respectfully moves this Court for an order granting a continuance of the time within which an indictment must be filed, and excluding the time period from November 13, 2024, through and including February 12, 2025, from the speedy trial clock, pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008), on the ground that the ends of justice served by granting the requested continuance and excluding this period, outweigh the best interests of the public and the defendant in a speedy trial. The government further asks this Court to issue the attached proposed Order of Continuance and Excludable Delay.

In support of this request, the government states as follows:

1. On November 13, 2024, defendant James Garner made his initial appearance in the District of Massachusetts and was charged via criminal complaint, *United States v. James Garner*, Case No. 24-mj-06945-MPK. At that time, Garner agreed to conditions of his release.
2. On November 18, 2024, Garner's co-defendant Marlon Teixeira made his initial appearance in the District of Massachusetts and was charged via criminal complaint, *United States*

v. Marlon Teixeira, Case No. 24-mj-06944-MPK. At that time, Teixeira agreed to a voluntary order of detention.

3. The parties have been engaged in discussions regarding the possible resolution of these matters that might result in a plea agreement and obviate the need for an indictment. To that end, the government is also preparing voluntary discovery for the defense to review in exploring a possible resolution. The parties have been in communication and are in the process of exploring a possible resolution of this matter pre-indictment.

4. The requested exclusion of time will permit respective defense counsel to review discovery materials, adequately confer with the defendants, and allow the parties to further discuss and explore the terms of a possible resolution before the government is required to seek an indictment. Such an agreement, in conjunction with a pre-indictment plea, may work to the defendants' benefit and would assist the government's ongoing investigation.

5. The parties agree that, if the requested time is excluded, the government has until February 12, 2025, to return an indictment in this case.

6. The undersigned has consulted with counsel for the respective defendants, who each assent to this motion.

7. A proposed order is attached.

Respectfully submitted,

JOSHUA S. LEVY
United States Attorney

By: s/ John T. Dawley, Jr.
John T. Dawley, Jr.
Assistant United States Attorney

David Cutshall
Special Assistant United States Attorney

Dated: December 12, 2024

CERTIFICATE OF SERVICE

I, John T. Dawley, Jr., Assistant United States Attorney, hereby certify that this document will be provided by email to counsel of record.

s/ John T. Dawley, Jr.

John T. Dawley, Jr.

Assistant United States Attorney

Dated: December 12, 2024